



California's protection and advocacy system

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TRANSPORTATION SERVICES¹

These changes are included in the Budget Trailer Bill. They will be effective when the Budget is approved, unless the language is changed by the legislature.

The Lanterman Act currently requires regional centers to purchase transportation for consumers when no appropriate generic transportation is available and the IPP team decides that transportation is a needed service. The changes to the Lanterman Act provide additional criteria that must be considered before a regional center can purchase transportation.

How the Law Changed

As of July 1, 2009 when an IPP or IFSP is developed, reviewed or changed the following transportation criteria apply:

1. Regional Centers can not fund private, specialized transportation for adults who can safely access and use available public transportation.
2. Regional Centers must fund the least expensive transportation that meets the consumer's needs as set forth in the IPP or IFSP.
3. When required, the Regional Center must fund transportation from the place where a consumer lives to the least expensive service provider that meets the consumer's needs as set forth in the IPP or IFSP.²

¹ The changes are part of the Budget Trailer Bill AB x3 45.

You may find the law at http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx3_45_bill_20090628_amended_asm_v98.html

The changes affecting Transportation are found in Welfare & Institutions Code, Section 4648.35.

²The cost of the program is determined by combining the program costs with the cost of transporting a consumer to and from the program location.

4. For a minor child living with his or her family, the regional center will pay for transportation only when the family cannot provide transportation. If the family needs the regional center to pay for transportation, the family must provide written information, such as a brief letter, to the regional center that shows that it cannot transport the child.

What Should I Do If the Regional Center Wants to Change My Transportation Services?

If your regional center wants to change your transportation services, it must hold an IPP meeting.³ At the meeting the IPP team must discuss if the new transportation criteria applies to you. For example, if you are an adult, you should discuss with the IPP team whether you can safely use public transportation, and what help you might need to use public transportation. You can also discuss if the proposed least costly transportation will meet your needs. Parents of a minor child can discuss whether they can provide transportation.

If after the IPP meeting, you do not agree with the proposed change, the regional center must give you a written notice of its decision to change your transportation service. The notice must be given 30 days before the change begins.⁴

If you want to continue to receive the services, you must request a fair hearing. If you want to continue to receive your current services, you must request a hearing within 10 days of receiving the notice.⁵ Otherwise the request must be made within 30 days.⁶ When you appeal, you should indicate why the change will not work for you. For example, you can not safely use public transportation, you can not provide transportation for your minor child, or the least costly transportation will not meet your needs.

For more important information on how to appeal decisions by the regional center, read our fact sheet, Due Process and Hearing Rights.

³ See Welfare & Institutions Code Section 4646.4 (a)-(c).

⁴ See Welfare & Institutions Code Section 4710.

⁵ See Welfare & Institutions Code Section 4715.

⁶ See Welfare & Institutions Code Section 4710.5.